

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 81 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE J.M.PANCHAL Sd/-

and

Hon'ble MR.JUSTICE A.M.KAPADIA Sd/-

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?

4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?

5. Whether it is to be circulated to the Civil Judge? : NO

AMAR PIGMENTS

THROUGH PARTNER AJAY DESAI

Versus

GPCB

Appearance:

MR MIHIR H JOSHI for Petitioner
MR HARESH J TRIVEDI for Respondent No. 1
MR MAULIN R RAVAL for Respondent No. 3

CORAM : MR.JUSTICE J.M.PANCHAL
and
MR.JUSTICE A.M.KAPADIA

Date of decision: 22/03/2000

ORAL JUDGEMENT

(Per : Panchal, J.)

By means of filing this petition under Article 226 of the Constitution, the petitioner has prayed to issue a writ of mandamus or any other appropriate writ, order or direction to quash and set aside the decision of the respondent no.1 not to consider the application for grant of NOC/consent to the petitioner as conveyed vide letters dated September 17, 1999 and December 27, 1999 which are produced at Annexure-D and Annexure-J respectively to the petition. The petitioner has further prayed to direct the respondent no.1 to permit the petitioner to commence commercial activities/ production.

2. The Division Bench comprising M.S.Shah and R.R.Tripathi, JJ., has issued rule by order dated February 8, 2000. While issuing rule, following operative directions were given :

"During pendency of the petition, there shall be interim stay of operation of the communications dated 17.9.1999 and 27.12.1999 (Annexures D and J respectively) and it is further directed that respondent No. 1-GPCB shall consider the petitioner's application for No Objection Certificate in accordance with law and in light of the observations made in this order and to consider the grant of NOC for trial production on such terms and conditions on which the GPCB normally grants NOC in similar cases. This consideration shall be made within two weeks from today.

S.O. to 23.02.2000

(M.S.Shah,J.)

February 8, 2000 (Ravi R.Tripathi, J.)"

In view of the directions which are referred to above, the case of the petitioner was considered by Gujarat Pollution Control Board and Mr. H.J.Trivedi, learned Counsel for GPCB informs the Court that the petitioner was granted no objection certificate by order dated February 18, 2000. As the main grievance regarding non-issuance of no objection certificate is redressed, we are of the opinion that the petition has become infructuous and deserves to be disposed of accordingly. We however, make it clear that we have not adjudicated the question whether the petitioner is entitled to commence commercial activities/production which is raised in the petition because the said question is bound to be decided by the Gujarat Pollution Control Board in accordance with law at the appropriate stage.

For the foregoing reasons, the petition fails and is dismissed. Rule is discharged, with no order as to costs. Liberty is reserved to the petitioner to move the Court in case of difficulty.

Sd/- Sd/-

22.3.2000 (J.M.Panchal,J.) (A.M.Kapadia,J.)

(patel)